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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,240

10/31/2006

Keiji Katata

8048-1180

9276

466 7590 03/04/2009

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EXAMINER

TRAN, THANG V

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

03/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,240	Applicant(s) KATATA ET AL.	
	Examiner Thang V. Tran	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-24 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 31 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

An amendment dated 11/25/08 has been considered with the following results:

Claim Objections – 37 CFR 1.75(a)

1. Claims 25 and 26 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 25:

The term “said computer program product”, line 5, should be replaced with --said computer program--; otherwise, it lacks antecedent basis.

The claim recites a program of instructions executable by a computer provided for an information recording device, but it is unclear from the claim what the functions of the instructions when executed by the computer are.

It is unclear what applicant intended to state by the statement "said the computer program product making the computer function as at least one portion of a recording device, an optimum recording power detecting device, and a controlling device", lines 5-7. Also, it is unclear from this statement as to what portion the computer function as and how other portions are operated.

Overall, did applicant intend to claim 25 as follow?

-- A computer readable recording medium recording thereon a computer program for tangibly embodying a program of instructions executable by a computer provided for an information recording apparatus, said program of instructions, when executed by the computer, performing the following steps:

recording information into a data area of an information recording medium, by irradiating laser light, in conformity with a predetermined error correction method;

obtaining an optimum recording power of the laser light, by recording test writing data

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into a data area portion with a length which is equal to or less than an allowable defect length in the predetermined error correction method, within the data area, by using the recording step; and

controlling the recording step to record the information into the data area with the obtained optimum recording power. --.

In claim 26:

The term “said computer program product”, line 5, should be replaced with --said computer program--; otherwise, it lacks antecedent basis.

The claim recites a program of instructions executable by a computer provided for an information recording/reproducing apparatus, but it is unclear from the claim what the functions of the instructions when executed by the computer are.

It is unclear what applicant intended to state by the statement "said the computer program product making the computer function as at least one portion of an information recording apparatus and a reproducing device", lines 5-8. Also, it is unclear from this statement as to what portion the computer function as and how other portion is operated.

Overall, did applicant intend to claim 26 as follow?

-- A computer readable recording medium recording thereon a computer program for tangibly embodying a program of instructions executable by a computer provided for an information recording and reproducing apparatus, said program of instructions, when executed by the computer, performing the following steps:

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recording information into a data area of an information recording medium, by irradiating laser light, in conformity with a predetermined error correction method;

obtaining an optimum recording power of the laser light, by recording test writing data into a data area portion with a length which is equal to or less than an allowable defect length in the predetermined error correction method, within the data area, by using the recording step;

controlling the recording step to record the information into the data area with the obtained optimum recording power; and

reproducing the information recorded on the information recording medium. --.

Allowable Subject Matter

2. Claims 14-24 are allowable over the prior art of record.
3. Claims 25 and 26 would be allowable if rewritten or amended to overcome the objection(s) under 37 CFR 1.75(a), set forth in this Office action.

Response to Arguments

4. Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. This application is in condition for allowance except for the matters pointed out in the above claim objections.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thang V. Tran/
Primary Examiner
Art Unit 2627